**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA	)	
	)	**8:06CR383**
Plaintiff,	)	
	)	
vs.	)	**DETENTION ORDER**
	)	
LUIS CASTELLANOS-ORTIZ,	)	
	)	
Defendant.	)	

A. **Order For Detention**

After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on January 24, 2007, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).

B. **Statement Of Reasons For The Detention**

The Court orders the defendant's detention because it finds:

__X__ By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.

__X__ By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.

C. **Finding Of Fact**

The Court's findings are based on the evidence which was presented in court and that which was contained in the Pretrial Services Report, and includes the following:

__X__ (1) Nature and circumstances of the offense charged:

    __X__ (a) The crime: interstate travel in aid of distribution of drug trafficking proceeds (Count I) in violation of 18 U.S.C. § 1952(a)(1) carries a maximum sentence of 5 years imprisonment; possession of firearms by an illegal alien (Count II) in violation of 18 U.S.C. § 922(g)(5)(A) carries a maximum sentence of ten years imprisonment; and a criminal forfeiture of $97,000 (Count III) and three firearms (Count IV) in violation of 28 U.S.C. § 246 and 18 U.S.C. §§ 924(d), 981(a)(1)(C), 1956(c)(7)(A) and 1961(1).

    _____ (b) The offense is a crime of violence.

    _____ (c) The offense involves a narcotic drug.

    _____ (d) The offense involves a large amount of controlled substances, to wit:

_____ (2) The weight of the evidence against the defendant is high.

__X__ (3) The history and characteristics of the defendant including:

    (a) General Factors:

      _____ The defendant appears to have a mental condition which may affect whether the defendant will appear.

      __X__ The defendant has no family ties in the area.

      __X__ The defendant has no steady employment.

      __X__ The defendant has no substantial financial resources.

      __X__ The defendant is not a long time resident of the community.

      __X__ The defendant does not have any significant community ties.

      _____ Past conduct of the defendant:

      _____ The defendant has a history relating to drug abuse.

      _____ The defendant has a history relating to alcohol abuse.

      _____ The defendant has a significant prior criminal record.

      _____ The defendant has a prior record of failure to appear at court proceedings.

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    (b) At the time of the current arrest, the defendant was on:

          ____ Probation

          ____ Parole

          ____ Release pending trial, sentence, appeal or completion of sentence.

    (c) Other Factors:

          _X_ The defendant is an illegal alien and is subject to deportation.

          ____ The defendant is a legal alien and will be subject to deportation if convicted.

          _X_ The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal.

          ____ Other: _____

_X_ (4) The nature and seriousness of the danger posed by the defendant's release are as follows: the nature of the charges in the Indictment.

D. **Additional Directives**

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and

2. The defendant be afforded reasonable opportunity for private consultation with counsel; and

3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: January 24, 2007.   BY THE COURT:

                                         s/Thomas D. Thalken

                                       United States Magistrate Judge